

Laurel Fork – Petition to Designate a Portion as Exceptional State Waters

State Water Control Board Presentation

December 12, 2016

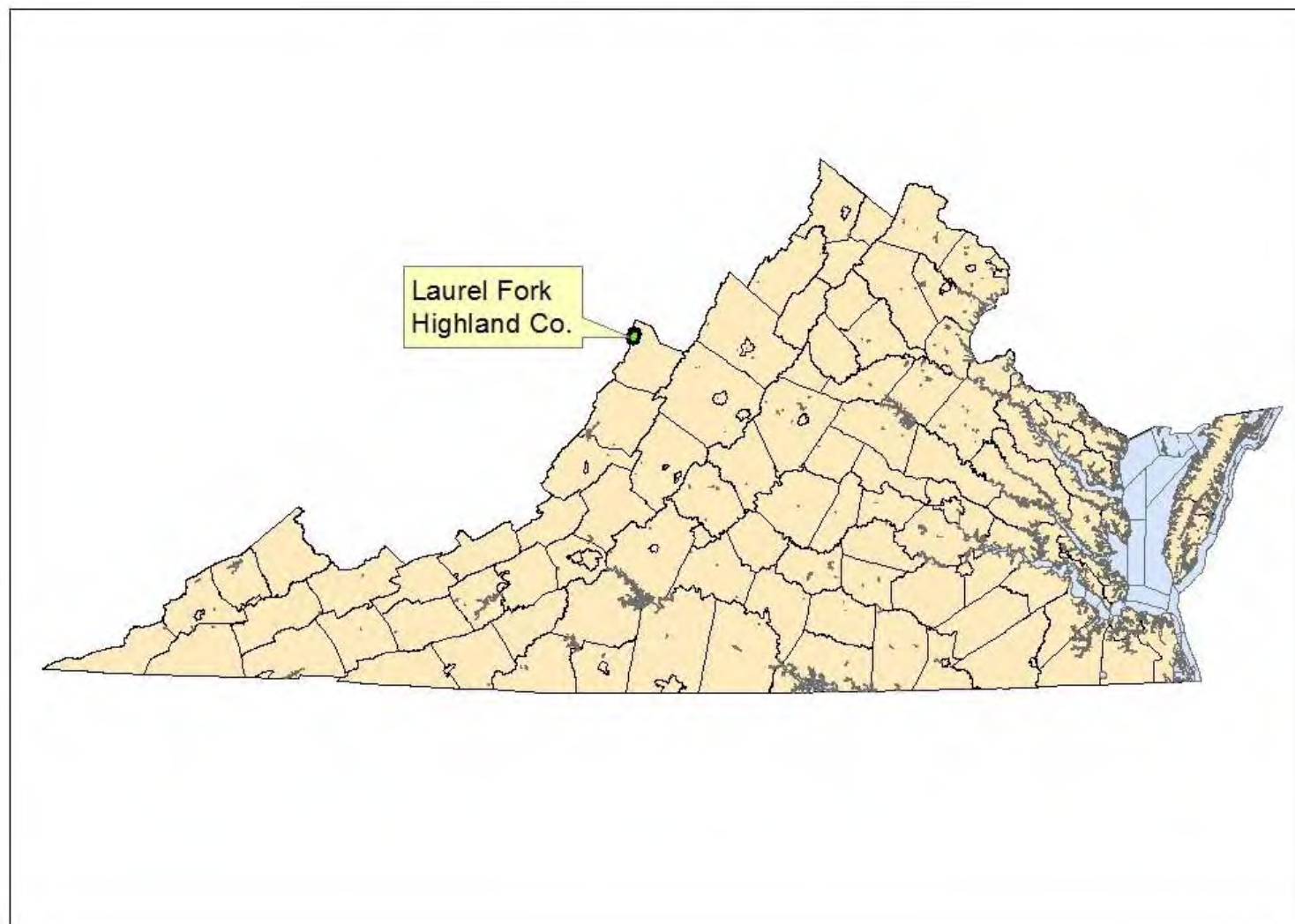
David Whitehurst – DEQ Water Quality Standards

Purpose of ESW Designations:

- **Protect high quality or ecologically significant waters that constitute exceptional state resources**
- **Maintain water body at current quality**
- **Protect from future degradation for benefit of future generations**
- **Provide protection from pollution contaminants beyond WQS numerical and narrative criteria**

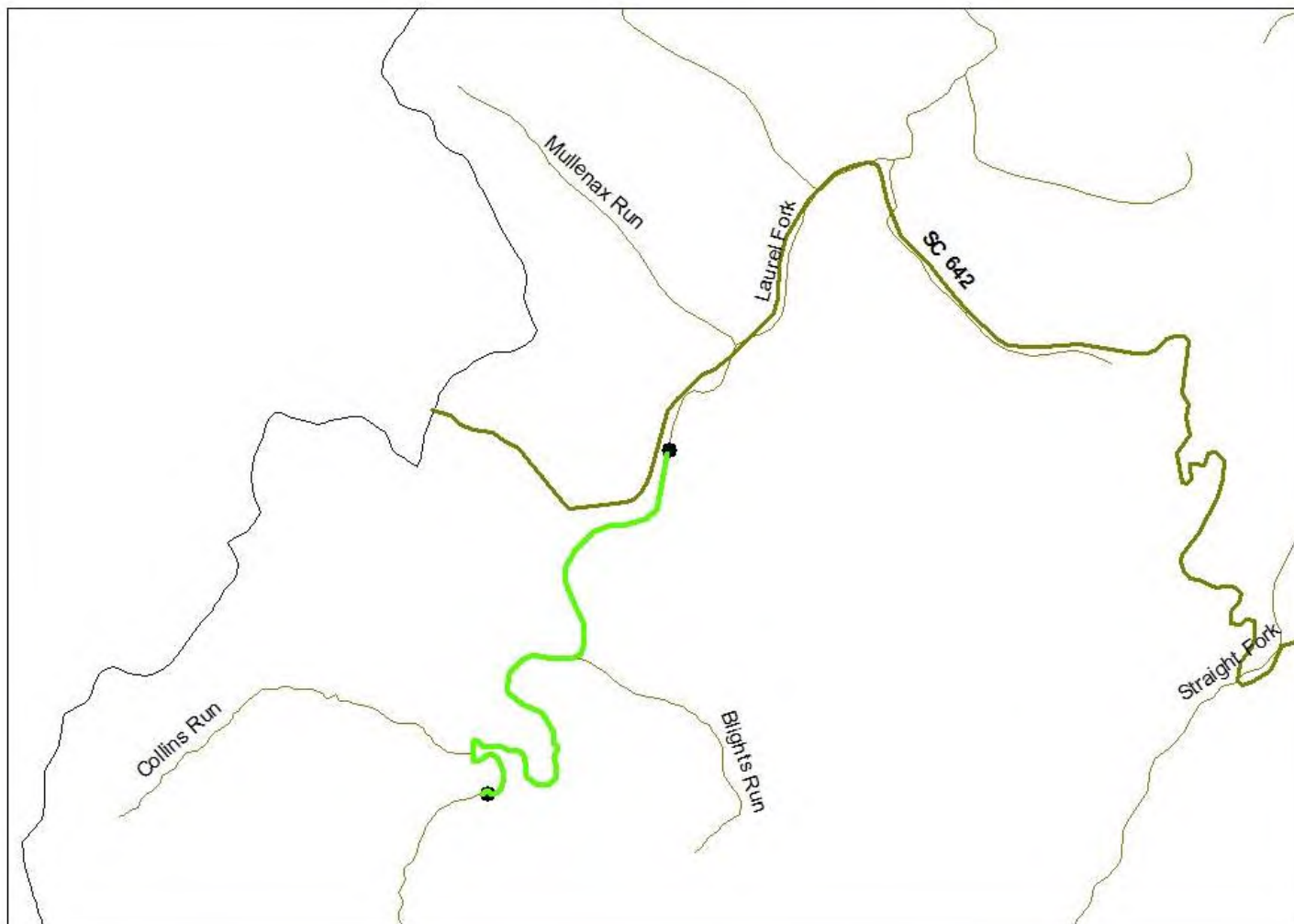


Nominated Portion of Laurel Fork





Nominated Portion of Laurel Fork



Regulation of Direct Discharges to Exceptional State Waters

- Allow existing permitted discharges but no expansions
- Prohibit new discharges, including:
 - wastewater treatment plant discharges
 - industrial waste treatment discharges
 - water treatment plant backwash filter discharges
 - permanent storm water discharges
 - general permits for sewage discharges < than 1,000 GPD such as single family homes
 - MS4 storm water discharges

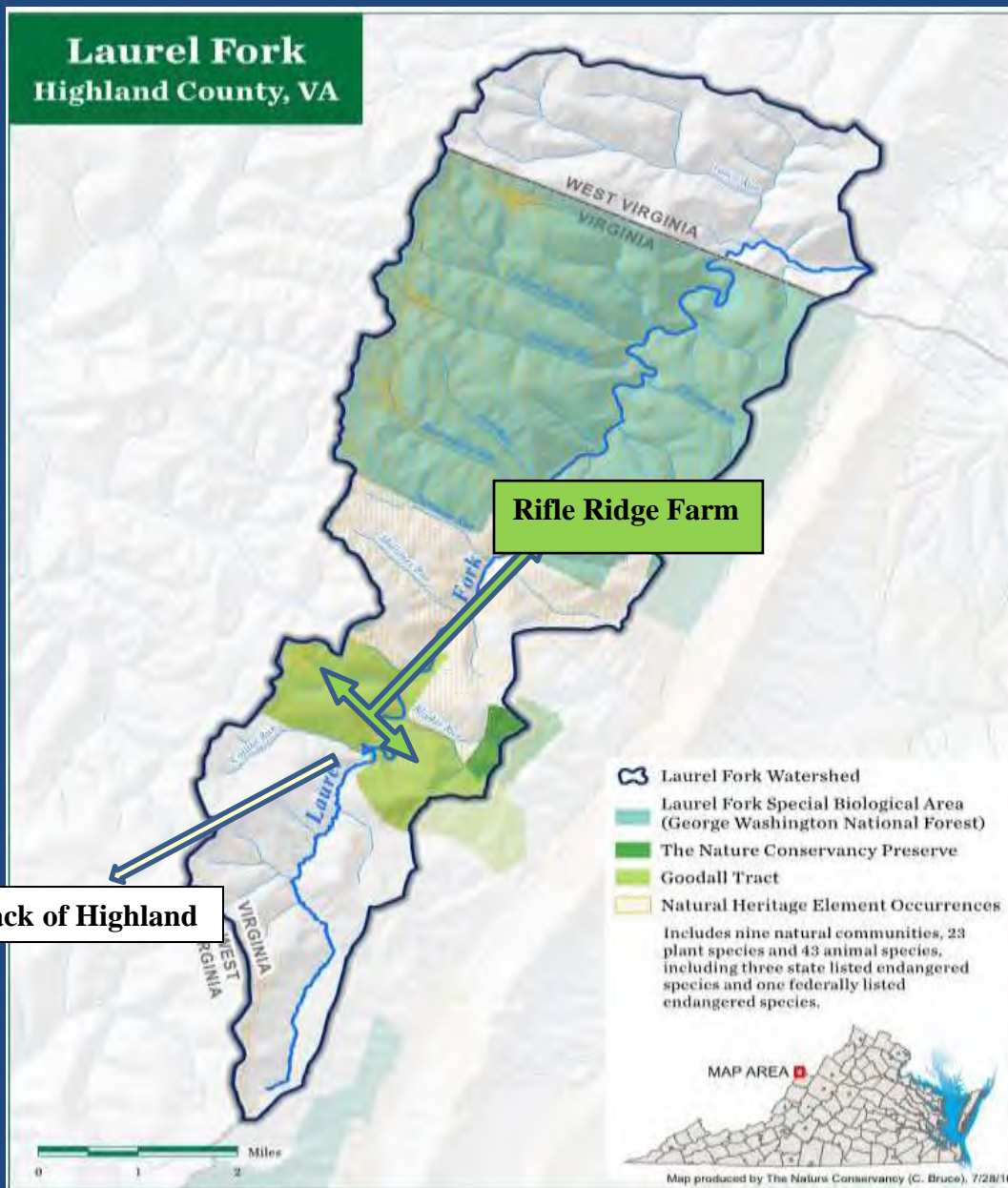
Laurel Fork

Previous Board Directive

- **Presented petition to SWCB at September 22, 2016 meeting**
- **Staff instructed to:**
 - Conduct site visit to determine eligibility
 - Notify potentially impacted localities & riparian landowners and provide comment period
 - Publish general public comment notice with 21 day period



Laurel Fork Highland County, VA



Laurel Fork: Site Visit to Determine Eligibility











Laurel Fork: Eligibility Decision Criteria

- **Exceptional Environmental Setting**
 - exceptional environmental setting
 - Integral component of a rare unique habitat
- **Exceptional Recreational Opportunity**
 - private property
 - any recreational activities require landowner permission
- **Exceptional Aquatic Community**
 - classified as wild trout waters by DGIF
 - self-sustaining brook trout population
 - brook trout have high-quality habitat demands

Laurel Fork – Opposing Comments Received:

1. Tamarack of Highland, LLC – riparian landowner within nominated segment
2. Highland New Wind Development, LLC – leases land from Tamarack w/expectation of constructing wind farm

Reasons:

- Petition includes property not within Rifle Ridge.
- Concerns of negative impacts to future development of electricity generating wind farm and timbering operations.
- Concerns of impacts to Tamarack's ability to comply with lease obligations



Laurel Fork – Supporting Comments Received:

- 4 citizen comments in support of the petition stating need to protect the beauty, biological integrity, and the unique ecology and its associated endemic species as reasons

Conclusions:

- **Staff determined segment meets eligibility criteria**
 - Exceptional environmental setting
 - Exemplary high-elevation cold-water stream
 - Self sustaining native brook trout population & other cold-water species
 - Integral component of unique habitat

- **Comment received & Staff Response**
 - Concerns that future transportation expansions, maintenance, upgrades may be negatively impacted
 - May be useful to begin rulemaking to allow for discussion among all parties

Staff Recommendation

- Authorize DEQ staff to initiate a rulemaking to consider amending the Water Quality Standards Regulation (§ 9 VAC 25-260-30.A.3) to designate the petitioned segment of Laurel Fork as Exceptional State Waters